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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41382-2021 (O&M)

Date of Decision: 13.12.2022

Balbir Singh and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek K. Thakur, Advocate, for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Angad Parmar, Advocate, for respondent No.2

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.187 dated 26.10.2015, under Sections 323, 325, 341, 342, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Sadar Kapurthala, District Kapurthala alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioners that in the present case a fight had taken place and on the basis of the complaint lodged by respondent No.2 namely Mohan Singh the FIR was got lodged and the subject matter of the present case is that some injuries were caused which does not fall in the category of serious and heinous offence.

He submitted that thereafter a compromise was effected between the parties amicably with the intervention of the respectables. He submitted that there were total 11 accused in the present case out of which two accused have already died namely, Swaran Singh and Paramjit Singh and one of the accused namely Sukhman Singh fled the country and was declared as a proclaimed person. The present is a petition which has been filed by 8 of the accused with whom the compromise has been effected between the parties. He further submitted that this Court on 18.07.2022 had directed the parties to appear before the learned Illaqa Magistrate/trial Court for getting the statements recorded with regard to the authenticity of the compromise between the parties and in pursuance of the aforesaid orders, the parties have already got their statements recorded before the learned Additional Chief Judicial Magistrate, Kapurthala in this regard. He has submitted that in view of the aforesaid facts and circumstances no useful purpose will be served in case further proceedings are carried on and in order to secure the ends of justice, the FIR may be quashed based upon compromise.

Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that out of the total 11 accused, two have already died and one has been declared as a proclaimed person. He submitted that so far as the nature of the offence involved in the present case is concerned, the subject matter of the case does not fall in the category of serious or heinous offence.

Mr. Angad Parmar, learned counsel appearing on behalf of respondent No.2 has submitted that he has specific instructions to state that the matter has been amicably compromised with respondent No.2 and he has no objection in case the FIR is quashed based upon compromise and

respondent No.2 has also got his statement recorded before the learned Additional Chief Judicial Magistrate, Kapurthala.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 18.07.2022, the learned Additional Chief Judicial Magistrate, Kapurthala has sent a report in which he has stated that there are total 11 accused out of which 2 namely, Swaran Singh and Paramjit Singh have already died and the third accused namely Sukhman Singh has been declared as a proclaimed offender. Statements of the parties including respondent No.2 have been recorded and in the report the learned Additional Chief Judicial Magistrate, Kapurthala has specifically stated that this Court has thoroughly gone through the statement of complainant as well as the petitioners and is of the opinion that compromise dated 16.09.2021 is genuine, voluntarily and without any coercion or undue influence.

The law with regard to quashing of FIR based upon compromise is now well settled. The Hon'ble Supreme Court in ***“Gian Singh Vs. State of Punjab and another”***, 2012(4) RCR (Criminal) 543, ***“State of Madhya Pradesh Vs. Laxmi Narayan”***, (SC) 2019(196) AIR 1 ***and*** Full Bench judgment of this Court in ***“Kulwinder Singh Vs. State of Punjab”***, 2007(3) RCR(Criminal) 1052 observed that in case where the Court finds that the subject matter of the case is not serious or heinous and the parties have arrived at an amicable settlement voluntarily or without any force or coercion, then considering the facts and circumstances of each and every case, the FIR can be quashed based upon compromise.

The present case is a case of a fight between the petitioners and respondent No.2 wherein although injuries were caused but the subject

matter does not fall in the category of serious and heinous offence. The statements of the parties have been recorded before the learned Additional Chief Judicial Magistrate, Kapurthala who has opined that the compromise is genuine, voluntary and without any coercion or undue influence.

After perusing the report and after hearing the learned counsel for the parties, this Court is of the view that it is a fit case for invoking the inherent powers under Section 482 of the Code of Criminal Procedure and in order to secure the ends of justice, it will be just and proper to quash the FIR based upon compromise.

Consequently, the present petition is allowed and the FIR No.187 dated 26.10.2015, under Sections 323, 325, 341, 342, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Sadar Kapurthala, District Kapurthala alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

13.12.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No